

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BRENDA L. WHITE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:20-cv-00972-JPH-TAB
	)	
SOUTHEAST HEALTH CENTER,	)	
PETER KIM DR.,	)	
	)	
Defendants.	)	

**ORDER DENYING REQUEST TO PROCEED ON  
APPEAL IN FORMA PAUPERIS**

Plaintiff Brenda White seeks leave to proceed on appeal without prepaying the appellate fees. Dkt. 13. However, an appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in "good faith." 28 U.S.C. § 1915(a)(3). "Good faith," in the context of § 1915(a)(3), refers to the "more common legal meaning of the term, in which to sue in bad faith means merely to sue on the basis of a frivolous claim." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). In other words, § 1915(a)(3)'s "good faith" determination is not about the plaintiff's sincerity in requesting appellate review. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). A sincere litigant still lacks objective "good faith" under § 1915(a)(3) if his claim is one that "no reasonable person could suppose to have any merit." *Lee*, 209 F.3d at 1026.

Under this standard, Ms. White's request to appeal *in forma pauperis* must be denied. She seeks to appeal the Court's judgment that this case is dismissed for lack of jurisdiction. But as the Court's dismissal order explained, Ms. White has not addressed jurisdiction and has not pleaded facts that could support federal jurisdiction. See dkt. 8. The Court was therefore required to dismiss this case. See Fed. R. Civ. P. 12(h)(3); *Evergreen Square of Cudahy v. Wis. Hous. & Econ. Dev. Auth.*, 776 F.3d 463, 465 (7th Cir. 2015). There is no objectively reasonable argument that Ms. White's proposed appeal has merit, so this appeal is not taken in "good faith," and the motion for leave to proceed on appeal *in forma pauperis*, dkt. [13], is **DENIED**.

**SO ORDERED.**

Date: 10/9/2020



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

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